

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DONNELL SCOTT,	:	
	:	
Plaintiff,	:	
	:	23-CV-6153 (VSB)
-against-	:	
	:	<u>ORDER</u>
DELTA SCIENTIFIC CORPORATION,	:	
	:	
Defendant.	:	
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VERNON S. BRODERICK, United States District Judge:

On November 15, 2023, Defendant Delta Scientific Corporation filed a letter informing me that based on discussions with Plaintiff’s counsel, Plaintiff wished to proceed pro se and Plaintiff’s counsel was in the process of being relieved as counsel “imminently.” (Doc. 19.) By order dated November 16, 2023, I ordered the parties to file a joint letter and proposed case management plan and scheduling order within two weeks of my decision on Plaintiff counsel’s motion to withdraw. (Doc. 20.) On December 18, 2023 Defendant filed a letter informing me that he had attempted to contact Plaintiff’s counsel several times, including by email on December 5, 2023, December 12, 2023, and December 15, 2023, as well as by phone. (Doc. 21.)

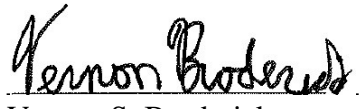
On December 19, 2023, I issued an order directing Plaintiff’s counsel to file its motion to withdraw by January 4, 2024. (Doc. 23.) After Plaintiff’s counsel failed to comply with that order, on January 8, 2024 I directed Plaintiff’s counsel file its motion to withdraw in accordance with Local Rule 1.4 by January 16, 2024. (Doc. 25.) I warned, “[i]f Plaintiff’s counsel fails to do so or Plaintiff otherwise fails to demonstrate that he intends to prosecute this litigation, I may

dismiss Plaintiff's claims for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (*Id.*)

To date, Plaintiff's counsel and Plaintiff have failed to comply with my January 8, 2024 Order. Accordingly, Plaintiff's claims are dismissed without prejudice pursuant to Rule 41(b). The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: January 19, 2024
New York, New York


Vernon S. Broderick
United States District Judge